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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,168	02/05/2001	Thomas W. Furphy	876229600002	2452

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EXAMINER

FISCHETTI, JOSEPH A

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/777,168

Applicant(s)

FURPHY

Examiner

Joseph A. Fischetti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 50 and 53-79 is/are pending in the application.
- 4a) Of the above claim(s) 75-79 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 50 and 53-74 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

Newly submitted claims 75-79 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: no buying company transaction settlement data originally recited in the elected claims.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 75-79 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 72 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

What steps are being performed?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 50,53-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berlin et al. Anderson et al.

Berlin et al. disclose (a) the obtaining via a computer network purchase order data having at least one entry, the purchase order data including purchase order detail information and (b) obtaining via a computer network invoice data having at least one entry, the invoice data including invoice detail information see col.3 lines 37-40, col. 4 lines 27-28 electronic PO created see block 82 and see col. 4 lines 40-43 re:advanced ship notice in effect the invoice); Furthermore , Berlin et al. disclose the well known use of EDI and ANSI col. 3 lines 37-50 for establishing an ordering enterprise so that po and invoices can be interchanged throughout a data processing network. Hence it would be an obvious practice with such standards to (c) automatically compare selected purchase order header information and corresponding selected invoice header information to identify a matched record having purchase order data and corresponding invoice data. However, in the interest of completeness of this office action, since Berlin is silent regarding use of header information to match P/Os with invoices, Maners does this in col. 7, lines 30-42. The motivation for combining Maner with Berlin et al would be that Berlin et al. discloses the use of EDI and ANSI standard which promote the use of a computer to effect the transaction and the use of headers to match P/Os with invoices would be to further expedite this purpose.

Berlin et al. disclose providing payment if a comparison between the P/O and the invoice match in terms of what was purchased (see, col. 4 lines 54-59). However this disclose is made relative accounting for items relative to what was ordered rather than to price. However it is deemed a mere combination of steps to look at price versus individual items because one, that is price, is a mere summation of the individual items. Notwithstanding, Anderson et al. disclose using price to reconcile P/O and invoice. It would be an obvious modification to Berlin et al. to use price as an indicator because the motivation for this would be to combine the itemization steps into a single step thus shortening the process.

Berlin does teach if the total costs (as reflected by the itemization of items) are within the predetermined tolerance (zero tolerance, i.e. if the two are equal, see col. 4 line 56), then providing for payment of invoices corresponding to the matched record invoice data;

Berlin et al. do teach (f) if the totals are not within the predetermined tolerance i.e equal, then electronically comparing selected purchase order detail information and selected invoice detail information according to predetermined rules (See col. 5 lines 28-39 for automatically validating) ;

But Berlin offers a zero tolerance system . But Anderson offers a rule system based upon an amount range and hence answers (g) if the selected information comparison satisfies the predetermined rules, then providing for

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payment of invoices corresponding to the selected invoice detail information. It would be obvious to modify Berlin et al. to include a second level of review as taught by Anderson et al. because the motivation for this would be the streamlining of the process.

Berlin does disclose (h) if the selected information comparison does not satisfy the predetermined rules notifying the buying company for resolution of purchase order data not matching invoice data see col. 5 line 31 for notification .

Re claims 53-58: The links between systems do not constitute patentable distinctness.53. (NEW)

Re claims 59-66 The ordering enterprise 24 of Berlin et al. is an interactive database system.

Re claims 67-70 EdI include any such variation of identification.

Reclaim 71 see Berlin col. 4 line 49.

Re claim s 73 and 74 see Berlin et al. col. 5 lines 7-26 for facilitating the financing of accounts based upon the matched records and the factoring of accounts receivable.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Joseph A. Fischetti at telephone number (703) 305-0731.

9/7/05
Primary Examiner.